

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

KELORA SYSTEMS, LLC,

No. C 11-01548 CW (LB)

Plaintiff,

v.

**ORDER RE 12/27/2011 DISCOVERY
LETTER**TARGET CORPORATION, *et al.*,

[ECF No. 437]

Defendants.
_____ /

The district court has referred all discovery matters in the above-captioned patent case and the related cases to the undersigned. Referral Order, ECF No. 333 at 2.¹ On December 27, 2011, Kelora Systems, LLC and Defendants² submitted a joint discovery letter in which Kelora seeks to compel Defendants to produce documents in response to discovery requests for the subdomains and subdirectories of the parent web sites identified in its infringement contentions. 12/27/2011 Joint Discovery Letter, ECF No. 437 at 1.

At a telephonic hearing, the parties resolved the dispute. Defendants explained that some of the subdomains and subdirectories – specifically discussing the Hewlet-Packard sites – have different appearances, functionality, and manner of communicating with the servers than the charted sites. Plaintiff agreed that the preliminary infringement contentions do not cover the subdomains and

¹ Citations are to the clerk's electronic case file (ECF) with pin cites to the electronic page numbers at the top (as opposed to the bottom) of the page.

² Defendants are Amazon.com, Inc., Costco, Hewlet-Packard Co., Office Depot, Target, Zappos.com, and Audible.

1 subdirectories that (1) are not specifically charted in their preliminary infringement contentions and
2 (2) implement what might be considered “guided parametric search” using different hardware or
3 software than that used by the sites identified in the preliminary infringement contentions.
4 Defendants reiterated their commitment to producing source code and technical documents on the
5 accused functionality, regardless of the dynamically-generated host URL, where the Defendants’
6 sites implement the accused functionality in the same manner as the sites described in Plaintiff’s
7 preliminary infringement contentions.

8 Given the parties’ representations at the hearing, the court denies Kelora’s motion to compel as
9 moot.

10 This disposes of ECF No. 437.

11 **IT IS SO ORDERED.**

12 Dated: January 24, 2012



13 LAUREL BEELER
14 United States Magistrate Judge
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